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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,934	07/27/2001	Odd N. Oddsen JR.	INNOFF 3.0-006 DIV	9122
530	7590	12/10/2004	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			HONG, JOHN C	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/916,934	<b>Applicant(s)</b> ODDSEN, ODD N.	
	<b>Examiner</b> John C. Hong	<b>Art Unit</b> 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 7,8,16,19,28,29,31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-15,17,18,20-27 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Species I, claims 1-6,9-15,17,18,20-27 and 30 in the reply filed on 8/24/04 is acknowledged. The traversal is on the ground(s) that claims 7,16,28 have similar limitations of Species I. This is not found persuasive because these claims are not clearly limiting the mounting method of plurality of supporting surfaces.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,6 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Kump et al. (U.S. Patent 6,289,618).

Kump et al. disclose method assembling from a plurality of components for mounting a device plurality of supporting surfaces each of a different configuration , the method comprising: providing plurality of components adapted be assembled into a plurality of brackets each of different configuration (col.2, lines 10 and 11), at least one the components comprising shaft holder (50) having an opening (70) formed therein adapted removably support the device, at least of the brackets adapted be assembled from less than said components (Abstract) , selecting one of said configurations of said plurality of bracket to one of a brackets adapted for attachment to one of the plurality of supporting surfaces, selecting a plurality of the components for assembly

into the selected bracket configuration, and assembling the selected plurality of the components including at least the shaft holder into the selected bracket configuration.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5 and 25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kump et al. (U.S. Patent 6,289,618) in view of Hung (U.S. Patent 5,938,159).

Kump et al. teach the limitation except wherein the components comprise a threaded member, first member having a first flange and a second flange generally perpendicularly attached to said first flange, and a second member having a third flange and a fourth flange generally perpendicularly attached to the third flange; the assembly step comprises attaching the shaft holder to the first member using said threaded member; further including attaching said second member to said first member; and the components further include a clamping plate having an opening, the assembly step comprising attaching the threaded member to the shaft holder with the threaded member extending through the opening in the clamping plate.

Hung teaches the components comprise a threaded member (Fig. 3), first member (43) having a first flange and a second flange generally perpendicularly attached to said first flange, and a second member (Fig.3) having a third flange and a fourth flange generally perpendicularly attached to the third flange; the assembly step comprises attaching said shaft holder (42) to the first member using said threaded member;

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further including attaching the second member to said first member; and the components further include a clamping plate having an opening, the assembly step comprising attaching the threaded member to the shaft holder with the threaded member extending through the opening in the clamping plate (See attached Figure).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the features of Hung on the method of Kump et al. so as to adjust the position of engaged locating seat at the desired location and angle.

6. Claims 9-15,17,18,20-23,26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kump et al. (U.S. Patent 6,289,618) in view of Hung (U.S. Patent 5,938,159).

Kump et al. teach a method of assembling a bracket from a kit including a plurality of components, the bracket adapted for mounting a device to one of a plurality of supports each of a different configuration, the method comprising: providing a kit containing a plurality of components adapted to be assembled into a plurality of brackets each of a different configuration, the components including a shaft holder having an opening formed therein adapted to removably support the device, at least one of the brackets adapted to be assembled from less than all of the components; selecting a plurality of components assembly into a single bracket configuration adapted for attachment to one of the plurality of supports, at least one of the components comprising the shaft holder; and assembling the selected components into the single bracket configuration and attaching the bracket to a vertical or horizontal surface of supporting surfaces (Abstract); and bracket comprises a wall mount and a flat mount (Figs.2 and 16).

Kump et al. fail to teach a threaded member, a first member having a

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first flange and a second flange generally perpendicularly attached to the first flange, and a second member having a third flange and a fourth flange generally perpendicularly attached to the third flange; and the shaft holder is adapted to receive an extension arm for supporting an electronic device thereto.

Hung teaches a threaded member, a first member having a first flange and a second flange generally perpendicularly attached to the first flange, and a second member having a third flange and a fourth flange generally perpendicularly attached to the third flange; and the shaft holder is adapted to receive an extension arm for supporting an electronic device thereto. (See attached Fig.)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the features of Hung on the method of Kump et al. so as to adjust the position of engaged locating seat at the desired location and angle.

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hung (U.S. Patent 5,938,159) in view of Kump et al. (U.S. Patent 6,289,618)

Hung et al. teaches a method comprising: assembling at least one of the components comprising a holder adapted to removably couple the computer display screen thereto ;and assembling a plurality of the component including at least the holder into one of the brackets adapted for attachment supporting surfaces. (See attached Fig.)

Hung et al. fails to teach the steps of : assembling bracket from a plurality components for mounting a computer display screen to one of a plurality of supporting surfaces each of a different configuration; providing a plurality of components adapted to be assembled into a plurality of brackets each of a different configuration, one of the brackets adapted to be attached

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to horizontal supporting surface and another one of the brackets adapted to be attached to vertical supporting surface, and at least one of the brackets adapted to be assembled from less than all of the components.

Kump et al. teach the steps of: assembling bracket from a plurality components for mounting a computer display screen to one of a plurality of supporting surfaces each of a different configuration; providing a plurality of components adapted to be assembled into a plurality of brackets each of a different configuration, one of the brackets adapted to be attached to horizontal supporting surface and another one of the brackets adapted to be attached to vertical supporting surface, and at least one of the brackets adapted to be assembled from less than all of the components (Abstract; Figs 2 and 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the steps of Kump et al. on the method of Hung so as to assemble the supporting bracket for different mounting surfaces.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 571-272-4529. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John C. Hong  
Primary Examiner  
Art Unit 3726

jh  
December 8, 2004



